



Entered on Docket
September 23, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based Entirely Upon Investment In
The Comvest Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Comvest Loan," ("Comvest Loan") [DE 8691] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed

1 on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from
2 the collateral securing the Comvest Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8691] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in full because those
6 claims are based entirely upon an investment in the Comvest Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

14 3993 Howard Hughes Parkway, Ste. 600

15 Las Vegas, Nevada 89169-5996

16 Telephone: (702) 949-8320

17 Facsimile: (702) 949-8321

18 *Attorneys for USACM Liquidating Trust*

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

#

**USACM Trust
ComVest Loan
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the ComVest Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the ComVest Loan
10725-01852	1/4/2007	Broadwalk Investments Limited Partnership	C/O James & Donna Bonfiglio General Partners 8635 W Sahara Las Vegas, NV 89117-5858	100,000.00	100,000.00
10725-01392	11/27/2006	Edwards, Jeffrey L & Kathleen M	501 Oakcrest Dr Coppell, TX 75019	51,561.59	51,561.59
10725-01154	11/9/2006	Peters, Henry	2954 Denise Ct West Sacramento, CA 95691	50,000.00	50,000.00
10725-00216	9/25/2006	Rhoades Passive Investments LLC	3385 Meridian Ln Reno, NV 89509-3841	110,199.98	110,199.98
10725-00048	5/11/2006	Simmex Inc A Nevada Corp	Jed Barish 6160 Majestic Wind Ave Las Vegas, NV 89122	50,000.00	50,000.00
10725-01268	11/10/2006	Wayne Dotson Co Peter Bogart CEO	Peter Bogart Ceo c/o Dinah Bogart Engel 1445 City Line Ave Wynnewood, PA 19096	56,000.00	56,000.00

EXHIBIT A